

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN**

Court Minutes and Order

HEARING DATE: November 30, 2023  
JUDGE: Brett H. Ludwig  
CASE NO.: 21-cv-0881  
CASE NAME: Clancy v. City of Milwaukee et al.  
MATTER: Final Pretrial Conference  
APPEARANCES: Drew J. DeVinney, Frankie Ovando, Attorneys for Plaintiff  
William Hotchkiss, Attorney for Defendants

TIME: 9:03 a.m. – 9:58 a.m.  
COURTROOM DEPUTY: Julie D.  
COURT REPORTER: Tom Malkiewicz

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The Court held a final pre-trial conference with counsel for the parties. Counsel reported on the status of the case, gave their opinions as to how the upcoming trial should proceed, and supplemented their arguments in support of motions in limine. The Court described trial procedures and ruled on motions in limine.

For the reasons stated on the record, and subject to the Court's clarifications,

**IT IS HEREBY ORDERED** that Plaintiff's first motion in limine, ECF No. 77 at 1, to exclude evidence or argument concerning attorney's fees, is **GRANTED** as unopposed.

**IT IS FURTHER ORDERED** that Plaintiff's second motion in limine, ECF No. 77 at 1–5, to preclude Heather Wirth and Timothy Leitzke from testifying because they were not timely identified, is **GRANTED in part, DENIED in part**. Defendants may call either Heather Wirth or Timothy Leitzke on the condition that Defendants produce that witness for a deposition of up to two hours before trial at a time convenient for Plaintiff's counsel.

**IT IS FURTHER ORDERED** that Plaintiff's third motion in limine, ECF No. 77 at 5–6, to preclude Defendants from eliciting expert testimony, is **GRANTED** as unopposed.

**IT IS FURTHER ORDERED** that Plaintiff's fourth motion in limine, ECF No. 77 at 7, to preclude evidence of the Fire and Police Commission Complaint and Review, is **GRANTED** as unopposed.

**IT IS FURTHER ORDERED** that Plaintiff's fifth motion in limine, ECF No. 77 at 7–8, to preclude evidence of Plaintiff's past arrest, is **GRANTED** as unopposed.



**IT IS FURTHER ORDERED** that Plaintiff's sixth motion in limine, ECF No. 77 at 8–9, to preclude the admission of Plaintiff's statements about policing as published in the August 17, 2023 Milwaukee Journal Sentinel article, is **GRANTED**.

**IT IS FURTHER ORDERED** that Defendants' first motion in limine, ECF No. 74 at 1, to exclude reference to the dismissal of the curfew citation, is **GRANTED** as unopposed.

**IT IS FURTHER ORDERED** that Defendants' second motion in limine, ECF No. 74 at 2, to preclude argument that Plaintiff wants to send a message to the City of Milwaukee or to the Milwaukee Police Department, is **GRANTED** as unopposed.

**IT IS FURTHER ORDERED** that Defendants' third motion in limine, ECF No. 74 at 2, to exclude evidence related to potential City indemnification of officers, is **GRANTED** as unopposed.

**IT IS FURTHER ORDERED** that Defendants' fourth motion in limine, ECF No. 74 at 2, to sequester witnesses under Fed. R. Evid. 615, is **GRANTED** as unopposed.

**IT IS FURTHER ORDERED** that Defendants' fifth motion in limine, ECF No. 74 at 3, to preclude “golden rule” arguments, is **GRANTED** as unopposed.

**IT IS FURTHER ORDERED** that Defendants' sixth motion in limine, ECF No. 74 at 3–4, to preclude evidence of Defendants' wrongful acts on other occasions, is **GRANTED** as unopposed.

Dated at Milwaukee, Wisconsin on November 30, 2023.

*s/ Brett H. Ludwig*

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BRETT H. LUDWIG

United States District Judge